

(Unofficial translation)

Law of Ukraine

On Introducing Amendments to the Law of Ukraine On *State Assistance to Families with Children*

The Parliament of Ukraine hereby **enacts**:

To introduce amendments to the Law of Ukraine *On State Assistance to Families with Children* (*Vidomosti Verkhovnoi Rady Ukrainy* [Herald of the Ukrainian Parliament] No.5, p.21, 1993; No.11, p.47, 1994; No.19, p.174, 1999; No.25, p.199, 2000; No.9, p.38, 2001), setting it forth in the following wording:

Law of Ukraine *On State Assistance to Families with Children*

Part I. General Provisions

In compliance with the Ukrainian Constitution the present Law establishes a state-guaranteed level of material support to families with children by granting state assistance in cash, with allowance for the composition of a family, its income and age of children,, and is aimed at assuring priority of state assistance to families with children within the general system of social protection of the population.

Article 1. Right of Families with Children to State Assistance

Ukrainian citizens, whose families bring up and have minors, shall be entitled to state assistance in cases and on conditions provided for by the present Law and other Ukrainian laws.

Foreigners and stateless persons domiciled in Ukraine as well as persons who gained the status of refugees shall be entitled to state assistance equally with Ukrainian citizens on conditions provided for by the present Law and other laws or international treaties of Ukraine agreed to be binding by the Ukrainian Parliament.

In case when an international treaty of Ukraine provides for other rules than those contained in the present Law, the rules established by this treaty shall be applied.

The procedure for assigning and disbursing state assistance to families with children and the list of documents required for assigning assistance under the present Law shall be established by the Cabinet of Ministers of Ukraine.

Article 2. Notions and Terms used in the Present Law

In the present Law the notions and terms shall be used in the following meaning:

child - a person under the age of 18 years (majority), if in compliance with the law it does not gain the right to majority earlier;

family with children - a group of persons bound by familial relations and obligations of maintenance, in which are brought up their own children, adopted children, as well as children under guardianship or trusteeship;

low-income family with children - a family that for reasons valid or beyond its control has an average monthly aggregate income that is lower than the subsistence minimum for a family;

subsistence minimum for a family - a sum of minimums determined for each family depending on its composition, as calculated and approved in compliance with the Law of Ukraine *On the Subsistence Minimum* for persons who belong to the main social and demographic population groups;

average annual aggregate income of a family - income calculated as a monthly average for all family members from all sources of earnings throughout six months preceding the month when assignment of state social assistance is applied for.

Article 3. Types of State Assistance to Families with Children

In compliance with the present Law the following types of state assistance to families with children shall be assigned:

- 1) assistance in case of pregnancy and childbirth;
- 2) one-time allowance for childbirth;
- 3) assistance for care of a child under the age of three;
- 4) assistance for children under guardianship and trusteeship;
- 5) assistance for low-income families with children.

Local bodies of the executive, bodies of local self-government, enterprises, institutions, organizations and NGOs may, for account of their own resources, introduce additional types of assistance and establish extra payments to state assistance to families with children.

Article 4. Sources of Coverage of Expenses for Disbursement of State Assistance to Families with Children

Coverage of expenses for disbursement of state assistance to families with children shall be effected for account of funds of the State Budget of Ukraine as subventions to local budgets.

The procedure for covering expenses stipulated by paragraph 1 of the present Article shall not apply to disbursement of assistance in case of pregnancy and childbirth to women serving in the Armed Forces of Ukraine, Border Troops of Ukraine, Security Service of Ukraine, civil defense troops and other military units, as well to women serving as managers and privates in internal affair bodies. Coverage of expenses for disbursement of the referred to type of state assistance to these categories of women shall be effected for account of respective budgets.

Article 5. Bodies that Assign and Disburse State Assistance to Families with Children

All types of state assistance to families with children, except for assistance in case of pregnancy and childbirth referred to in paragraph 2, Article 4 of the present Law, shall be assigned and disbursed by bodies of social protection of the population at the place of residence of parents (adopters, guardians, trustees).

Assistance in case of pregnancy and childbirth referred to in paragraph 2, Article 4 of the Present Law shall be assigned and disbursed at the place of the main job (service).

Article 6. Time of Consideration of Documents for Assignment of State Assistance to Families with Children

The person claiming for assignment of assistance shall submit independently the documents required for assignment of state assistance to families with children. Given a written application of a person who claims for assignment of assistance but for reasons of health or other valid reasons cannot independently collect the requirement documents, the bodies that assign assistance shall be charged with collection of the said documents.

The body that assigns and disburses state assistance shall consider the documents required for assignment of state assistance to families with children within 10 days from the day the application was filed.

Within five days after the adoption of a respective decision the body that assigns and disburses state assistance to families with children shall issue or notify the applicant in writing about the assignment of state assistance or refusal of assignment, along with the reason of refusal and the procedure of its appeal.

Part II. Assistance in Case of Pregnancy and Childbirth

Article 7. Right to Assistance in Case of Pregnancy and Childbirth

All women (of under-age included), who are not insured in the system of general obligatory state social insurance, shall be entitled under the present Law to state assistance in case of pregnancy and childbirth.

Article 8. Conditions of Granting and Duration of Disbursement of Assistance in Case of Pregnancy and Childbirth

The ground for assigning women assistance in case of pregnancy and childbirth shall be a certificate of established form issued under authorized procedure by a medical institution as well as a reference issued:

- at the main job (service, educational establishment);
- by the liquidation commission for women dismissed from a job in case of liquidation of an enterprise, institution, organization;
- by a state service of employment for women registered with the state service as an unemployed;
- at the place of residence for unemployed women confirming that they are not employed (do not serve, do not study).

For persons who adopted or took under custody a child within two months since its birth assistance in case of pregnancy or childbirth shall be granted on the basis of a decision on adoption or guardianship for the period since the day of adoption or establishment of guardianship and to the end of the postnatal leave.

Assistance in case of pregnancy and childbirth shall be assigned, if the application arrived not later than six months from the day of termination of leave in case of pregnancy and childbirth, and shall be disbursed to women for the entire period of the leave, the duration of which shall be 70 calendar days before childbirth and 56 (in case of difficult delivery or birth of two or more children - 70) calendar days after delivery. For women referred to categories 1-4 of persons who suffered from the Chomobyl accident assistance in case pregnancy and childbirth shall be disbursed 180 days before the referred to leave (90 days before and 90 days after delivery). The

said assistance shall be calculated cumulatively and granted in full regardless of the number of days of leave actually used for delivery.

For the duration of leave in case of pregnancy and childbirth that coincides with leave for care of a child under the age of three, assistance for pregnancy and childbirth shall be disbursed regardless of the assistance for care of a child under the age of three.

Article 9. Amount of Assistance in Case of Pregnancy and Childbirth

Assistance in case of pregnancy and childbirth shall be granted to women in the amount of 100 percent average monthly income (stipend, cash security, unemployment relief, and the like), but not less than 25 percent of the amount of the legally established monthly subsistence minimum for employable persons).

Part III. One-Time Allowance upon the Birth of a Child

Article 10. Entitlement to One-Time Allowance upon the Birth of a Child

Under the present Law one-time allowance upon the birth of a child shall be granted to one of the child's parents (adopter or guardian) who is not insured in the system of general obligatory state social insurance.

Article 11. Conditions of Assigning One-Time Assistance upon the Birth of a Child

One-time allowance upon the birth of a child shall be assigned on the basis of a birth certificate of the child. Adopters and guardians shall be granted the said allowance on the basis of a decision on adoption or guardianship.

In case of birth (adoption, guardianship) of two and more children allowance shall be granted for each child.

One-time allowance upon the birth of a child shall be assigned on condition of the application having been duly filed not later than six months from the day of the child's birth.

In case of birth of a dead child allowance upon the birth of a child shall not be assigned. **Article**

12. Amount of One-Time Allowance upon the Birth of a Child

One-time allowance upon the birth of a child shall be assigned in the amount of the legally established minimum for children under the age of six.

Part IV. Assistance for the Care of a Child under the Age of Three

Article 13. Entitlement to Assistance for the Care of a Child Under the Age of Three

A person (one of the parents of the child, adopter, guardian, grandmother, grandfather or any other relative), who is not insured in the system of general obligatory state social insurance, but actually cares for the child, shall be entitled to assistance for care of a child under the age of three.

Article 14. Conditions of Assigning Assistance for the Care of a Child under the Age of Three

Assistance for the care of a child under the age of three shall be disbursed every month from the day the assistance has been assigned to the day inclusively when the child attains the said age. Assistance to adopters and guardians shall be assigned not earlier than from the day the decision on adoption or guardianship has been adopted.

For persons relieved from work owing to the liquidation of an enterprise, institution or organization assistance for the care of a child under the age of three shall be assigned until their employment on the basis of a certificate of the liquidation commission.

Persons registered with a state service of employment as unemployed shall be assigned assistance for the care of a child under the age of three on the basis of a certificate of the state service of employment.

Assistance for the care of a child under the age of three to persons who actually take care of the child shall be assigned upon a written application of this person and on the basis of a certificate from the place of employment (service, educational establishment) of the child's mother to the effect that she resumed work before the termination of leave for the care of the child and the disbursement of the said assistance has been ceased (with indication of date).

For mothers who have children under the age of three and at the same time continue to study without holding a job assistance for the care of a child under the age of three shall be assigned in the full amount.

For unemployed persons assistance for the care of a child under the age of three shall be assigned on the basis of a certificate issued at the place of residence to the effect that the said persons do not work (serve, or study) and the child resides together with them.

Article 15. Amount of the Assistance for the Care of a Child under the Age of Three

Assistance for the care of a child under the age of three shall be granted in the amount of the legally established subsistence minimum for children under the age of six.

In case of birth (adoption, guardianship) of two and more children assistance for the care of a child under the age of three shall be granted to each child.

Part V. Assistance to Children under Guardianship or Trusteeship

Article 16. Entitlement to Assistance to Children under Guardianship or Trusteeship

Assistance to children under guardianship or trusteeship shall be assigned to persons designated by legally established procedure as the guardians or trustees of children who, owing to the death of parents, deprivation of parental rights, illness of parents or other reasons have been left without parental care.

Article 17. Conditions of Assignment of Assistance to Children under Guardianship or Trusteeship

Assistance to children under guardianship or trusteeship shall be assigned on the basis of a decision on guardianship or trusteeship on the condition that the average monthly amount of the alimonies and pensions received for the child over the preceding six months does not exceed the subsistence minimum for the child of a respective age.

Article 18. Amount of the Assistance to Children under Guardianship or Trusteeship

Assistance to children under guardianship or trusteeship shall be granted in the amount equaling the difference between the subsistence minimum for children of a respective age and the average monthly amount of the alimonies and pensions received for the child over the preceding six months.

Part VI. Assistance to Low-Income Families with Children

Article 19. Conditions of Assigning Assistance to Low-Income Families with Children

Assistance shall be assigned to low-income families with children (including adopted children and children under guardianship and trusteeship) under the age of 16 (for students - under the age of 18), if the family's average monthly aggregate income is less than the subsistence minimum for families.

Assistance to low-income families with children shall be assigned from the month the application for assistance was filed for a period of six months and disbursed every month. The question of prolonging disbursement of the said assistance shall be settled on the basis of updated documents on the family's status of living standards.

Article 20. Amount of Assistance to Low-Income Families with Children

The amount of assistance shall be determined as the difference between the subsistence minimum for a family and the average monthly aggregate income for the previous six months.

Part VII. Responsibility of Local Bodies of the Executive, Bodies of Local Self-Government, Enterprises, Institutions and NGOs

Article 21. Responsibility of Enterprises, Institutions and Organizations for Authenticity of Information and Documents Issued for Assignment of State Assistance

Bodies that assign and effect disbursement of state assistance to families with children shall be entitled when necessary to check the justification of issuance and authenticity of respective documents submitted for assignment of assistance.

Enterprises, institutions and organizations shall be liable for damage caused to families with children or to the state in consequence of untimely issuance of documents or issuance of unauthentic information and offset the damage by legally established procedure.

Article 22. Liability of Citizens for Unauthentic Documents Submitted for Assignment of State Assistance

Recipients of state assistance shall be bound to notify the bodies that assign and effect disbursement of state assistance about changes in all the circumstances following from the disbursement of assistance.

The amounts of state assistance disbursed in excess in consequence of the citizens' abuse (owing to submission of documents with deliberately false information, failure to submit information about changes in the composition of the family, concealment of circumstances following from the disbursement of state assistance, and the like) shall be exacted in compliance with the law.

Bodies that assign and effect disbursement of state assistance shall be entitled to check the living standards of families with children.

Article 23. Appeal Against the Decisions of Bodies Assigning State Assistance

The decision of the body that assigns and effects disbursement of state assistance may be appealed with superior bodies of the executive or by judicial procedure.

**Article 24. Liability of Bodies Assigning and Disbursing Assistance to
Families with Children**

Officials guilty of violating legislation on state assistance to families with children shall be liable under the law.

Part VIII. Concluding Provisions

1. The present Law shall come into force from January 1, 2002.
2. Within six days from the day the present Law has been published the Cabinet of Ministers of Ukraine shall:
 - submit to the Ukrainian Parliament proposals to bring legislation into conformity with the present Law;
 - bring its regulations into conformity with the present Law;
 - devise and approve the procedure for assigning and disbursing state assistance to families with children.
3. The amount of state assistance to families with children, as stipulated in articles 15, 18 and 20 of the present Law, shall be determined by the Ukrainian Parliament annually in percentage rates to the subsistence minimum and gradually approximated to the subsistence minimum, but it may not be less than 25 percent of the established level of the subsistence minimum.

President of Ukraine

Leonid Kuchma

Kyiv
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No.2334-111

Translated by Anatole Belenko

LAW OF UKRAINE

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LAW OF UKRAINE

ON STATE SOCIAL WELFARE TO NEEDY FAMILIES

This Law is intended to realize constitutional guarantees of citizens' right to social protection, a standard of living not lower than the minimum living standard established by law via provision of monetary support to the least socially protected families.

ARTICLE 1. DEFINITIONS

The terms used in this Law shall have the following meanings:

state social welfare to needy families (hereinafter referred to as, "social welfare benefits") shall mean monthly cash allowances provided to families in amounts that depend on families' average monthly aggregate income;

family shall mean a single person or several persons who live together and/or are united by legitimate rights and obligations as to support;

needy family shall mean a family which, due to serious reasons or reasons beyond its control, has an average monthly aggregate income lower than the family minimum living standard;

family minimum living standard shall mean a total of minimum living standard amounts determined for every family based on the number of its members, as computed and approved pursuant to the Law of Ukraine "On the Minimum Living Standard" (N 966-XIV) with respect to persons who belong to the major social and demographic categories of population;

average monthly aggregate income of a family shall mean an average monthly income of all members of a family originating from all sources of earnings for the last 6 months preceding the month in which an application for social welfare benefits was filed.

ARTICLE 2. LEGISLATION ON STATE SOCIAL WELFARE

The legislation on state social welfare shall include the Law of Ukraine "On the Minimum Living Standard", this Law and other ministry rules and regulations governing issues and matters of state social welfare.

ARTICLE 3. THE RIGHT TO SOCIAL WELFARE BENEFITS

Needy families who permanently reside within Ukrainian territory shall be entitled to social welfare benefits.

ARTICLE 4. PROCEDURES OF PROVISION OF SOCIAL WELFARE BENEFITS

An application for social welfare benefits shall be filed by an authorized representative of a family with welfare authorities at his place of residence or with the executive committee of a

village or settlement Rada. The executive committee of the village or settlement Rada shall transfer the application for social welfare to a social security authority.

Each such application shall contain an applying family's consent as to the collection of any information on this family, its property, income and assets as may be required for purposes of this Law.

The following shall be attached to each welfare application:

ID document;

a certificate on members of the family (persons who are fully supported by the State shall not be regarded as family members);

a declaration on income and property of the family members (the declaration shall not include amounts of social welfare benefits provided under this Law; subsidies to pay for consumed utilities and housing services; alimony payments made family members);

a certificate on a plot of land, if any, and the size of such plot.

Forms of applications, certificates on family members, declarations on income and property shall be prescribed by a specially authorized central agency of executive power in the area of labor and social policy.

For purposes of this Law, social welfare authorities shall be entitled to use all official sources of information, including such information that is held by state tax authorities.

Social welfare benefits shall be granted from the month in which a welfare application was filed, provided that all required documents were presented within a month.

The social security authority shall pass a decision to grant or deny social welfare benefits within 10 calendar days and forward it to the authorized representative of the needy family on the day following the day on which the decision was adopted.

Decisions to deny social welfare benefits shall contain reason therefor and explanations of procedures of appeal thereof.

ARTICLE 5. AMOUNTS OF SOCIAL WELFARE BENEFITS

An amount of social welfare benefits shall be equal to a difference between the minimum living standard of the family and its monthly average aggregate income, but may not exceed 75% of that family minimum living standard.

Until economic stabilization in Ukraine, the amount of social welfare benefits shall be determined based on the level of assurance of the minimum living standard.

The level of assurance of the minimum living standard shall be determined proceeding from the actual scope of the State Budget expense items and shall be approved concurrently with enactment of the Law on the State Budget of Ukraine for the respective year.

ARTICLE 6. PERIODS WITHIN WHICH SOCIAL WELFARE BENEFITS ARE GRANTED

Social welfare benefits shall be granted for a period of 6 months.

Lonely individuals, who have been ascertained to be disabled according to the results of medical/social expert examinations and who have no sources of subsistence, may be granted social welfare benefits for the period a person was recognized to be disabled.

Lonely individuals, who have attained the age of 65 and who have no sources of subsistence, may be granted social welfare benefits for life.

The terms and conditions specified in Paragraphs 2 and 3 of this Article 6 hereof shall also apply to the granting of social welfare benefits to married couples, who are incapable of working, in the event of absence of persons obligated under law to support them.

ARTICLE 7. RESTRICTIONS ON THE RIGHT TO SOCIAL WELFARE BENEFITS

Social welfare benefits may be denied, and awarded welfare payments may be terminated in the event that:

it has been found that in the last year preceding the year in which an application for social welfare was filed a needy family or any of its members made a purchase for a price that exceeded the tenfold amount of the family minimum living standard at the time of application therefor;

a needy family owns or possesses a plot of more than 0.60 hectare or an ancillary household operation that gains profit, or a second apartment (house), provided that the total apartment [home] space is in excess of 21 sq. meters per family member and an additional 10.5 sq. m for the entire family, or more than one car or one transport vehicle (mechanism);

a family has willfully furnished untrue or false information or has concealed information that had an influence or could have had an influence on a determination of the right to social welfare benefits and amounts thereof.

The amount of granted social welfare benefits may be reduced by 50% if the family fails to use opportunities to find additional sources of living.

Procedures for the denial of social welfare benefits, termination of benefit payments and reduction of benefit amounts in circumstances specified in this Article 7 hereof shall be prescribed by a specially authorized central agency of executive power in the area of labor and social policy.

ARTICLE 8. RECALCULATION OF AMOUNTS OF SOCIAL WELFARE BENEFITS

The amount of social welfare benefits shall be recalculated upon application by the authorized representative of a given family due to changes in the family members.

ARTICLE 9. PAYMENT OF SOCIAL WELFARE BENEFITS

Social welfare benefits shall be paid by state post offices at the place of residence of the authorized representative of a family, on a monthly basis, or shall transferred to a personal bank account of the authorized representative of the family.

Social welfare benefits that have not been timely received due to the family's fault may be received next month, but not later than the month following the lapse of the period for which they were awarded.

Delays in the payment of social welfare benefits due to the fault of authorities that award or pay such benefits shall be prohibited.

If a family moves to a different locality, payment of social welfare benefits at the former place of residence shall be discontinued.

ARTICLE 10. PROCEDURES FOR THE APPEAL OF DECISIONS TO GRANT SOCIAL WELFARE BENEFITS

Complaints regarding decisions of a social security authority to grant or deny social welfare benefits may be filed with a higher agency of executive power or in court.

ARTICLE 11. FINANCING OF SOCIAL WELFARE BENEFITS

Social welfare benefits shall be paid at the expense of funds, as **to** which provision is made in calculations of amounts to be allocated from the State Budget of Ukraine to the budgets of the Autonomous Crimean Republic, oblasts, Kyiv and Sevastopol in the form of donations and rates of deductions from national taxes and duties.

At the expense of local budgets and specially formed regional social aid funds, bodies of local self-government may provide extra social welfare benefits in addition to amounts specified in this Law, on the basis of the approved regional minimum living standard.

ARTICLE 12. RECORDS ON SOCIAL WELFARE RECIPIENTS

For purposes of keeping record of families that are social welfare recipients, ensuring the control of legitimate and timely provision thereof and organizing a database of normative and reference information for social security authorities that award social welfare benefits and control the legitimacy of provision of such benefits, the specially authorized central agency of executive power in the area of labor and social policy shall establish a uniform recording and informational system.

The recording and informational system of social welfare recipients shall be established and used subject to the requirements of the Law of Ukraine "On Information" (2657-12) and other laws of Ukraine.

ARTICLE 13. CONTROL OF LEGITIMATE PROVISION OF SOCIAL WELFARE BENEFITS

The specially authorized central agency of executive power in the area of labor and social policy shall control, directly or through social inspectors, the legitimate provision of social

welfare benefits and use of funds of the State Budget of Ukraine earmarked for purposes of providing social welfare benefits.

The legal status of social inspectors and their competence shall be specified by the Cabinet of Ministers of Ukraine.

ARTICLE 14. LIABILITY FOR VIOLATION OF LEGISLATION ON STATE SOCIAL WELFARE

Officials who are guilty of violation of the legislation on state social welfare to needy families shall be held liable pursuant to law.

ARTICLE 15. FINAL PROVISIONS

1. This Law shall enter into force on the day of promulgation thereof.

2. Within two months from the day of promulgation of this Law, the Cabinet of Ministers shall:

submit to the Verkhovna Rada of Ukraine proposals as to the bringing of legislative acts in conformity with this Law;

bring its rules and regulations in conformity with this Law;

ensure that agencies of executive power revise and repeal their rules and regulations that are inconsistent with this Law.

President of Ukraine

Leonid Kuchma

Kyiv, June 1, 2000 #1768-

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